

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – June 25, 2012**

Those present at the June 25, 2012 Planning Board meeting were:

**Planning Board Members:** Steve Watts – Chairman  
 Don Roberts – Vice Chairman  
 Rich Berkowitz  
 Marcel Nadeau  
 Tom Ruchlicki  
 John Higgins  
 John Ouimet

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Paul Hotaling  
 Walt Polak

**CHA Representative:** Mike Bianchino

Mr. Watts opened the June 25, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the June 11, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the June 11, 2012 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

#### **Public Hearing:**

##### **12.021 PH DEC Development, LLC Subdivision, Plank Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing Mr. Dave Canfield in his request before the Planning Board for a 2-lot subdivision that is located on the east side of Plank Road about 250 FT south of Stone Quarry Road and north of Captain's Boulevard. The applicant wishes to subdivide the 1.87-acre parcel into 2 parcels. Lot A is approximately 40,000 SF and Lot B is approximately 41,000 SF. We are proposing duplexes on each of the lots. The 2 parcels would be serviced by public water and public sewer. Initially we had an approval for a 4-lot subdivision for houses but because of the economy and the configuration of the zoning in the area we are having a hard time selling homes so we went with the duplexes. The biggest advantage of having duplexes over single-family homes is the fact that now we are able to retain a no-cut buffer and land preservation area around the rear and the sides of these parcels to add additional buffering to

these townhomes in the subdivision. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm.

Mr. Ouimet made a motion to approve the minor subdivision application for DEC Development, LLC. Mr. Ruchlicki seconded. Motion carried.

**New Business:**

**12.046 NB Tire Warehouse/U-Haul, 1430 Route 9 – Change of Tenant & Sign**

Mr. Robert McCarthy, representative for the Tire Warehouse/U-Haul, stated the following: We are proposing a change of tenant and a sign for the Tire Warehouse/U-Haul. There will be nothing different from what was previously there. The 2 signs would be the same exact size and we are just changing it from Budget to U-Haul.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Sign: U-Haul Rental (Two proposed signs with the same dimensions)

Sign Size: 7 SF each

Sign Dimensions: 2 ft x 3.5 ft each

Sided:  one-sided  Two-sided

Location of Sign: wall mounted

Lighted:  Internal  Flood –No Illumination

The change of tenant goes back to the original application because there is no tenancy here and nothing is created. They would just rent vehicles for U-Haul instead of Budget and that would be run by the employees from the Tire Warehouse. Nothing would change from what was originally approved for Budget a few years ago. They would have the same amount of vehicles allowed and there would be no more than 4 to 5 small trailers at any given time. Mr. Roberts asked how many vehicles are approved for this site at any one time? Mr. McCarthy stated 8 vehicles. Mr. Roberts asked so you're saying that you are going to have 8 vehicles plus trailers or are the trailers part of the 8? Mr. McCarthy stated it would fluctuate; sometimes there are none if they are rented out but there have never been 3 or 4 vehicles there and then there are some small trailers. Mr. Roberts asked what would be the total number of trucks and trailers on the site at any one time? Mr. McCarthy stated the following: There would be no more than 8 trucks and 5 trailers but I don't think it would be that much very frequently. It's usually 3 or 4 trucks and 2 or 3 trailers but I don't want to be in a situation where at one time some people are coming in because it is a drop off situation. If someone is moving to this area say from Minnesota and they drop off 3 or 4 trailers at one point, we would have to take them because we are a dealer but they would not be staying at the site. Mr. Watts asked have you been doing that all along? Mr. McCarthy stated the following: Yes, and there has been nothing since 2008 and quite frankly I was surprised that my client received an appearance ticket because he just moved from Budget to U-Haul, there was no change in use. It's only my client's employees at the Tire Warehouse who rent out those vehicles. Mr. Ouimet stated the following: I would like to get back to the issue of the original Board approval when it was Budget rentals. The Board originally approved up to 8 rental vehicles on-site for that application. Now you are suggesting that you want 8 trucks and 5 trailers and to me that is an expansion. Mr. McCarthy stated the following: The Board asked me what the maximum would be and I'm saying we've never had 8 trucks there because it doesn't work that way. We've just had a few trucks but part of U-Haul is those little trailers that they have. So, if you're asking for a high number that possibly might be there, then I'm saying maybe 5 trailers and 8 trucks but that is not the business model, it's usually 3 or 4 trucks and maybe 2 to 3 trailers. Mr. Ouimet stated the

following: What I'm saying is that we've previously approved 8 trucks and if you want to swap out from Budget to U-Haul with an 8-truck limit, that is fine. If you want more than that, you have to ask us for it. Mr. McCarthy stated I think I was responding to that question. Mr. Ouimet asked how many more do you want? Mr. McCarthy stated the following: At the high end I can't see more than 5 trailers being there. So, it would be 8 trucks and 5 trailers. But as I have said, I don't expect that. Mr. Watts asked are they like a 2 wheel trailer that you would tow behind a car? Mr. McCarthy stated yes. Mr. Roberts stated I feel there is plenty of room back there and we haven't had any problems in the past with them, right? Mr. Watts stated the following: No, not really. I suppose with the nature of the business on a rare occasion something could happen but I don't really remember any issues. Mr. McCarthy stated the following: That's what I have said and I want the Board to be aware that there are some occasions that is outside of what we can do. As I have said, if someone is moving in, they might come in with 2 to 3 trucks and then those trucks would then get turned out to the next place because we don't keep them. Like I said, it is not part of the business plan. Mr. Berkowitz stated on those rare occasions when you have a full count of trucks, could you put them in the rear of the site? Mr. McCarthy stated whatever you want because that wouldn't make a difference to us. Mr. Berkowitz stated we just don't want them stacked up along the road. Mr. McCarthy stated that's not a problem. Mr. Higgins stated the following: Previously I think we did have some problems with the site, but I think the present manager has been there for several years now and I definitely see an improvement at the site. I don't have a problem because they will be kept in the rear of the site and managed. Mr. McCarthy stated the following: For clarification; if in 5 years from now if we move to Ryder, do we have to come back? Does that constitute a change in a tenant? Mrs. Murphy stated the following: Yes it does. Because what happens is that each of those businesses has a unique business model. So we just want to make sure that we're not going to get into a situation where they're storing the trucks there. Understandably, this proposal is similar to the one that Budget had but it doesn't necessarily have to be. Also, any time there is a change in the sign, basically the name of business changes, you would have to come back to this Board. Mr. McCarthy stated okay.

Mr. Roberts made a motion to approve the change of tenant application for the Tire Warehouse/U-Haul conditioned on a maximum of 8 trucks and 5 trailers are stored on the site at any one time. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Tire Warehouse/U-Haul. Mr. Nadeau seconded. Motion carried.

**12.048 NB Parkford Square II, 453 Route 146 – Sign**

Mr. Tim Prescott, of Ray Sign Inc., stated the following: I'm here tonight representing both Parkford Square and Albany Medical Center. A representative from Parkford Square previously came before the Board where they received an approval for their monument sign that Ray Sign installed. Now they are proposing to place an Albany Medical sign on the side of the building that will display the company logo and names as well as a tenant panel on the existing monument sign. This monument sign is an exact replica of the monument sign next door at Merrill Lynch. All of our signs are built to UL specifications and code and we are well within the allotted square footage.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Sign #1-Logo

Size: 7.56 SF

Sign Dimensions:.33" x 33"

Total Height: N/A  
 Sided:  one-sided  Two-sided  
 Location of Sign: wall-mounted  
 Lighted:  Internal  Flood  
 Planning Board Date(s): 6/25/12

Sign #2-Lettering  
 Sign Size: 18.66 SF  
 Sign Dimensions: 14" x 192"  
 Total Height: N/A  
 Sided:  one-sided  Two-sided  
 Location of Sign: wall-mounted over office suite  
 Lighted:  Internal  Flood  
 Planning Board Date(s): 6/25/12  
 Brief Description:

Sign #3-Monument Panel  
 Sign Size: 4.68 SF  
 Sign Dimensions: 15" x 45"  
 Total Height: N/A  
 Sided:  one-sided  Two-sided  
 Location of Sign: tenant panel on free-standing sign  
 Lighted:  Internal  Flood  None

Mr. Roberts made a motion to approve the sign application for Parkford Square II. Mr. Nadeau seconded. Motion carried.

**12.049 NB Enterprise Rent-A-Car, 1637 Route 9 – Addition to Site Plan**

Mr. Mark McMahon, Operations Manager for Enterprise Rent-A-Car, stated the following: Enterprise is proposing to place a 480 SF carport located at 1637 Route 9. The carport that we are proposing would have a black metal roof with composite panels on the side that would be the same color as the body of our building which is Sherwin-Williams moderate white. The carport would be placed on the site currently in an area that is now used for our vehicle prep for cleaning the inside interior and vacuuming. That area currently does not take up any of our parking for our customers or our rental vehicles; it is just a prep area. Inside the structure itself we would be placing a Geomat Water Recovery System and what that would allow us to do is to wash our vehicle inside of the carport out of the view of the public, out of the weather and then we would recycle the water. It would have an internal pump system that recaptures the water and recycles it and that way we would be washing with reclaimed water. Mr. Higgins asked what would they do in the winter? Mr. McMahon stated the following: In the winter we would winterize the washing portion of the system and then our outside washing would be done at our outside vendor. We would still use the inside facility when it's not too far below freezing to vacuum the vehicles and clean the interiors. With the facility that we have in Glens Falls, the rule of thumb is that on Halloween we would shut it down before any threat of frost and then it would be active again to wash inside April 1. Mr. Ouimet asked how many sides would be enclosed? Mr. McMahon stated the following: Three. The thought is that the front would be open and the sides and the back would be enclosed. The architect designed it so that the panels do not go floor to ceiling to get some airflow in there to dry out any area around it and so that no debris would clutter inside. Mr. Watts asked how many cars

would it hold at one time? Mr. McMahon stated the following: One car at a time. The carport would be 20 FT X 20 FT and with the one car; it would give our people room to walk around. Mr. Higgins stated the following: I just want to point out that the Town regulations regarding a carport have no sides. So, I don't know what they are going to refer to this as. Mrs. Murphy stated you can give an approval for an accessory structure in a Commercial (C-1) zone.

Mr. Berkowitz made a motion to approve the addition to site plan application for Enterprise Rent-A-Car. Mr. Higgins seconded. Motion carried.

**Old Business:**

**07.101 OB Glen Meadows PDD, 130 Upper Newtown Road – Major Subdivision/PDD**

Mr. Mike McNamara, of the Environmental Design Partnership, stated the following: I'm here tonight representing Abele Builders for the Glen Meadows Planned Development District (PDD). Glen Meadows was given a preliminary approval by the Board in June 2010. Since that time we have sent the project to the other involved agencies; the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH), and the Saratoga County Sewer District (SCSD#1). We received comments from each of those agencies and we have responded to those comments. Recently we turned all those comments and our responses over to the Town Engineer – CHA for his review. In addition to the subdivision review the NYSDEC also issued approval of the water district extension that's necessary to serve the project and I know that the Town has copies of that. Over the past few months we did pursue an engineering change to the project. Abele Builders has worked with Lecce Development, owners of the adjacent Swatling Falls project, to agree upon an alternate sewer route. Originally Glen Meadows was going to have its own sanitary pump station at the low point of the project and this pump station would have pumped through the project all the way up into Swatling Falls, through Swatling Falls and out to Route 236. The alternate configuration will eliminate that pump station and now a gravity main will go around the back parameter of the lots of Glen Meadows and all the way around and connect into Swatling Falls. The Swatling Falls pump station has been upgraded so it would serve both of those projects. We did confer with the Planning Department and with the Town Engineer when we started that revision. CHA has reviewed the detailed plans and profiles for the new sewer and we have also worked with the sewer district, the NYSDEC and the NYSDOH as well. The sewer district is enthusiastically in support of it as it would eliminate the pump station, which they eventually would have owned and maintained. We did receive some comments from CHA on the new sewer and they were relatively few and minor in nature and while we did respond to the comments, we still have some changes to make on the erosion and sediment control plan. So, obviously any action that the Board takes tonight we would expect would be conditioned upon a final sign-off from CHA. Abele Builders are ready to go with the project and they have obtained a grading permit from the Town and they've started some of the initial earthwork and their intention is to get approval signatures as soon as possible and begin work on the infrastructure. Mr. Berkowitz asked are the roads going to go by phases also or are they going to build the roads in Phase II after Phase I is built? Mr. McNamara stated the following: Yes, it is going to go in phases. They plan on filing in 4 phases. They'll build Phase I and then they'll file Phase II and move on after that. Mr. Berkowitz asked so, to build the roads in Phase II and Phase III you're going to have to go through Phase I or are you going to go around into Phase IV as a construction road. Mr. McNamara stated the following: No, you'll have to go through Phase I. Phase I will be the circle and Glen Meadow Drive up to a point and Summerset Drive up to a point. So, for Phase II, they'll complete this loop and they'll complete the second loop and what you'll have will be a

portion of it. Then Phase III will be toward the cul-de-sac and then Phase IV will complete it. Mr. Berkowitz stated the reason I'm asking is because we just received complaints in another development that they're building Phase III and to build the roads in Phase III they are going through Phase I and Phase II and a lot of construction traffic is going through residential neighborhoods. Mr. McNamara stated the following: In Phase II I think it probably would be necessary to go through the Phase I roads. In Phase III it certainly would be possible at that time to do some kind of a construction access around that. Normally when projects are phased, they're phased on what makes sense to put what infrastructure in first. You certainly run into that when you sell the first few homes in Phase I and then you continue to build it and there are always construction vehicles. Unfortunately, I don't know if there really is a good answer for that. It's kind of the way it is and certainly any one that buys a home in Phase I is going to know that this is a larger project and that there is eventually going to be more construction. Mr. Berkowitz stated usually yes, you would think that. Mr. McNamara stated the following: You would and yet you still get the complaints. I don't really see any way to avoid that. Mr. Berkowitz stated unless you go through Phase IV to do Phase III with just a dirt road or whatever. Mr. McNamara stated the following: It would be possible. If you built Phase I, you could certainly build a construction road through there and get through the back and at least minimize what homes you were going by. I don't think that's a burden. If the Board is so inclined, I think that is something that we could accept. Mr. Higgins stated and possibly swap Phase III and IV. Mr. McNamara stated I hesitate to get into something like that tonight because there are always implications as to what was staged and why and I would be worried that I'd forget why we would decide to do one thing over another. Mr. Higgins stated either that or put something in when you're selling the homes to make sure the buyers realize that there is going to be construction traffic until it is fully builtout. Mr. McNamara stated sure, that is always done. Mr. Higgins stated that's understood but as Mr. Berkowitz has said it is getting to be a problem in another area. Mr. Berkowitz stated yes and if you could just look into that and explore the idea. Mr. McNamara stated again, since it is going to be filed in phases, we would be coming back for Phase II so certainly other than just me promising tonight, you would see that it would be implemented. Mr. Berkowitz stated that would probably make it easier and there would be less hassles for whomever the builder is. Mr. McNamara stated and actually if the complaints are turned over to the builder, it is to his advantage; the land is already there and it's owned and it's an open field. Mrs. Murphy stated the following: They are looking for a final approval of the entire project, so they are not necessarily going to come back. So, if you want to do it conditioned upon the construction of that road there, you need to do it tonight. Mr. Berkowitz stated I don't know if I want to require it. Mr. Ouimet stated the real problem is that we won't have another chance. Mr. Williams stated the following: A committee holds a pre-construction meeting before they put the roads in and we would bring that up at that point. A lot of times the developer will put a construction route in because they know that running their construction trucks up and down the bindered road that they are going to dedicate would make more wear and tear on the road that they will ultimately have to repair. I know they did a construction road in the Sheldon Hills development, which Mr. Chris Abele also built, for that very purpose. Mr. Ouimet stated the following: I think that is fine but the only problem is that if it's the sense of the Board that we need a construction road to get access for Phase II, III and IV, we need to do it as part of our approval process. We're not going to get another shot at the individual phases. You're not going to come back to us and ask our approval for Phase II wherein we could say "yes, you're approved contingent on construction of a road". So, I think the sense of the Planning Board is that we're going to want a construction road to get access in to construct Phase II and that would be part of our actual approval of the whole project. Mr. Nadeau stated the following: In all the projects that we have done, this is something new that has recently come up.

I think it is unfair to impose that on this project at this time. Now we can look at it for future projects, but to change this now, I don't think that is a fair situation. Mr. Berkowitz stated I don't think this would affect Phase I and II but for Phase III and IV it might. Mr. Watts stated the following: It's my opinion that it's a little late in the game and I don't know whether a construction road would be appropriate or not. Whenever we have construction activity, people are going to complain that may have resided in an area for 20 years and now there is going to be truck traffic on their street and the developer has to get to the site somehow. Again, we do get complaints from the public relative to trucks speeding and the trucks not having their loads covered and then the Sheriff and State Police are asked to enforce these things. We get a lot of complaints and we do address them to the best we can but I'm hesitant relative to this project. Mr. Roberts stated the following: Anyone buying a house in this development has to realize that these houses are not going to fall out of the sky and I feel they are buying into this. So, I think it is too late in the game to change anything on this plan. Mr. Polak stated I agree. Mr. Ruchlicki stated the following: I agree with Mr. Nadeau. Not for this particular project and not at this point in time. However, being that we have had complaints, if we have future projects that the developer might entertain something along those lines at that point in the beginning planning phases, then we might discuss that but not at this point. Mr. Ouimet stated the following: I would generally agree with what the Board members have been saying but having heard the engineer say it's a doable thing, because tonight you did say that it was doable. As these projects develop in Town, we should learn that these things are important and to what extent that they can be accommodated. I think we should put the responsibility on the developer to accommodate it as opposed to the Town to enforce it. I don't think this should be a Town enforcement issue. I think it is something that we could clearly deal with as a Planning Board. Mr. McNamara asked do you know the nature of the complaints because one thing I think that happens a lot is that they tend to track mud and dirt through the roads. There is plenty of power for the Town under the MS4 (Municipal Separate Stormwater Sewer System) and the construction permits now to stop things like that. If it's simply a matter of there are trucks going down my street, that's always going to be true even when it's built out. Mr. Higgins stated the following: The nature of the complaints that we're getting are that there is another route that could and should be utilized that they're not utilizing. The people are worried about kids standing out waiting for school buses and having dump trucks going by when they don't need to go in that direction. Mr. Watts stated in that particular case, the construction traffic may be going places that could go to other places. Mr. Higgins stated I see both points of view but at this point my recommendation would be at least mention it to Mr. Abele that there is a potential that could come down and it would be his option, if he wants to, to put in the road through Phase IV as a construction road. Mr. McNamara stated sure and you all know Mr. Abele and he is the kind of guy that if there is enough complaints that he is always trying to accommodate and he wants to sell homes to people and the last thing he wants is bad blood. Mr. Higgins stated that is the reason why we are bringing it up. Mr. Berkowitz stated the following: I don't know if anyone has thought of it, but when you get to Phase III and IV and you're going to build the road anyway, you could just put a dirt road up there that can bypass Phase I and II. I don't want to have any requirements for it but if this would make it easier on the residents, maybe it would make it easier on Mr. Abele. I think you should just explore it but I don't know if that makes any sense or not. Mr. McNamara stated I'll certainly pass that on. Mr. Watts asked does that change the entry point to the project? Mr. McNamara stated the following: No. Phase I is going to be built first so what we are talking about is after that is all done, to access Phase II, they would build a gravel loop around the project.

Mr. Roberts made a motion to grant final approval for the Glen Meadows PDD Major Subdivision contingent upon CHA's sign-off. The Planning Board suggested the applicant consider creating a construction route during the construction of the latter phases of the project. Mr. Ruchlicki seconded. Motion carried.

**11.122 OB      6 Liebich Lane, Liebich Lane – Commercial Site Plan/GEIS**

Mr. Joe Dannible, of the Environmental Design Partnership, stated the following: I'm here on behalf of Baron Companies and their application for a 60,000 SF building on a parcel of land that will be known in the future as 6 Liebich Lane. This project was before the Board for a site plan and subdivision review. At that time a public hearing was set for the subdivision and at that meeting there were some concerns from the public about sediment pollution going off the site. Since that time there has been several site visits conducted by the property owner with the Town's MS4 (Municipal Separate Stormwater Sewer System) representative as well as the Town's engineer. Looking at this issue a comment letter was generated and the owner has been working with the Town to address those issues and to date I believe everything has been addressed or is being worked on and the site is going to be monitored from here on out. I defer this to Mrs. Zepko, Mr. Williams and Mr. Bianchino on that, as they have been involved with that and with the owner of the property. R.J. Valente's mine did not contract us to work on that and it was done independently by them working with CHA. Again, our application is for the 60,000 SF warehouse building, which in effect has no drainage that will ever leave this site that would get to the point of discharge from the property that is of a concern. Tonight we are asking for site plan and subdivision approval of the project. Mr. Watts asked who is here tonight from the applicant to refer to what work was done at the site where the stormwater issues arose? Mr. Dannible stated the following: Earlier I spoke with Mr. Dean Marrotta, who works for R.J. Valente, and he has told me that everything has been addressed and that the staff in the Planning Department and the Town Engineer is aware of what has been done and what is going to continue to go on. Mr. Watts asked did you have any part in that? Mr. Dannible stated we were not involved in the remediation at the site. Mr. Watts asked Mr. Bianchino to give the Board a synopsis of what occurred. Mr. Bianchino stated the following: A month ago when we had the public hearing for this proposal the Board tabled this application due to a complaint of a failure in the Stormwater Management Area (SMA) from a neighbor. The Town and CHA inspected the site and the neighboring property following that meeting. The basin that had failed was a SMA that was part of Phase II of the project. At that point a mitigation plan was implemented to repair the failure. The site has been stabilized. Riprap has been installed, check dams were repaired and the area was seeded and mulched. At this point the grass hasn't established yet, but the work has been done to address the concerns of the neighbor. We will continue to monitor that as part of the punch list for the residential subdivision. Mr. Watts asked if there were questions from the Board. Mr. Ouimet asked if there was a monitoring plan for the basins as we go forward or was this a one-time occurrence. Ms. Zepko stated that the applicant is required to have their inspector on site weekly and the reports are forwarded to the Planning Department. This situation came to the attention of the Town following the complaint received from the neighbor. Mr. Higgins stated that he feels that the site should be inspected more frequently, at least once a month until it is stabilized. Mr. Bianchino stated that the CHA inspector that is on site for that development was asked to keep an eye on the basin. Mr. Nadeau stated for future subdivisions at this site, future applicants should be aware that if there is a problem, regardless of whether the problem is on that particular site or in the rest of the Planned Development District (PDD) it could hold up progress for development until the problem is satisfied. Mrs. Murphy stated there are bonds in place and should it become necessary to make repairs, the Town could make those repairs using those bonds. Mr. Watts asked if the Board had any questions

regarding the proposal for 6 Liebich Lane? Mr. Higgins stated the following: I've mentioned this every time about a lot of fill going in on a daily basis, especially to the rear of the site. There's a compact roller out there that I've never seen move. I know Mr. Bianchino said that you're going to have to do test borings to make sure that the compaction is correct before you start doing your digging for your foundation. They are doing a ton of dumping there but nothing is being compacted. Mr. Dannible stated the following: We have notes on our plans that talk about the compaction and I know that before the building goes in there will be a Geo Technical review of the compaction where they will make recommendations for the footing of the building. At that time, any compaction issue should be caught. Mr. Higgins stated the following: I've mentioned it every time and it will be in the minutes again. I drive past that site at least 4 times a day and as I've said, I've seen a lot of dump trucks dumping and I've never seen that vibratory roller used. Mr. Watts asked Mr. Bianchino if that was part of the inspection process? Mr. Bianchino stated the following: No, not typically. CHA inspectors do not inspect the compaction on site plans, however, if there is a question from the Building Department, they call us and we can provide more details. Mr. Michael Stiles, of 1909 Route 9, stated the following: I went to check the water tonight and there was mud coming down their property, which was about 100 FT from the property, due to tonight's rainstorm. I took a picture of it and I just wanted to go on record to say what was happening. Mr. Watts asked was this relative to the pond that you were talking about or is this on the construction site? Mr. Stiles stated all the mud is coming from their property. Mr. Bianchino stated the following: The comment that Mr. Higgins made during the pre-meeting was in regards to the drainage and if the drainage that is coming from the road is already muddy, then some of the road drainage may bypass the larger storm basin and go into catch basins. There are a couple of road basins that end up in that culvert that drain onto Mr. Stiles property now and the big stormwater basin does as well. But, if the stormwater basin works, the water that leaves that basin should be clean. The stormwater that is coming down the road that's not going through that basin could be the problem. Part of our recommendation is for a settlement basin on the downstream side of Liebich Lane before it enters the stream on to Mr. Stiles property. This is kind of the next step in this process that I think that would help to solve the problem until the entire site is stabilized. There is a lot of this site that is open and if some of the water drains to the road then it could bypass the stormwater basin and that could be part of this problem. Mrs. Murphy stated the following: So, if your inspector goes out there and sees this, he'll report it to you and we'll take the necessary enforcement steps because obviously that is a violation of all of what they're supposed to be complying with. Then you can access and put in that step that you think is appropriate. Mr. Watts stated Mr. Stiles has pointed out things before that did prove true. Mr. Bianchino stated we are going to have an inspector out there tomorrow to take a look. Mr. Higgins asked is the approval going to include provisions for continued monitoring by CHA as Mr. Bianchino has mentioned with his people on site? Mrs. Murphy stated the following: Here's the issue. That kind of goes without saying that we're doing that and that is part of Rolling Hills PDD. This engineer isn't hired by the people who have the Rolling Hills PDD. So, he's not going to go out there and do anything because no one has hired him to do it. But, we do have the maintenance bonds and they are still actively going through a punch list on the rest of the residential PDD. So, it's good for the applicant to be aware of it because if they are in some way contributing, they are going to be responsible. They are responsible as a matter of law for it. It's good to let them know that and it is good to remind everyone of that but we don't have to make it contingent upon that. Mr. Higgins stated the following: I wasn't saying contingent. I was just saying it in the minutes. So, the Town does have the capability if they determine that the problem is ongoing to issue a citation of do something to take care of the problem. Mrs. Murphy stated depending on what the problem is, yes. Mr. Higgins stated because I know it is an active mine and we've gone through this every

time. Mrs. Murphy stated correct and we know that there are some issues out there. Ms. Zepko stated but they are two separate issues. Mrs. Murphy stated correct, which is why I can't answer the questions. Mr. Higgins stated as Mr. Stiles has said tonight, on my way here there was obviously muddy water running into the drains on Liebich Lane. Mrs. Murphy stated I just don't want to give a blanket statement saying yes, we can absolutely fix it because I don't know what it is. Mr. Higgins stated but obviously those of us who have been on the Board for a number of years are aware that this is an on-going problem and we just seem to be getting a lot of lip service about it and very little seems to be getting done in my personal opinion. Mrs. Murphy stated okay. Mr. Roberts stated I agree with Mr. Higgins.

Mr. Berkowitz made a motion to approve the commercial site plan application/GEIS for 6 Liebich Lane. The Planning Board cautioned on the need of a compaction test or Geo Technical information is submitted prior to a building permit being issued. The Planning Board strongly recommends that the applicant and the Town continue to monitor the Stormwater Management Areas (SWMA) for the Rolling Hills PDD residential and commercial development to assure that the SWMA's are working as designed. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the June 25, 2012 Planning Board Meeting at 7:51 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary